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AF

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Todd A. Elson)
SERIAL NO.: 10/697,472)
FILED: 10/29/2003)
FOR: Roller Assembly for Floating)
Dock)
DOCKET NO.: 006383.00005)
ART UNIT: 3617)
EXAMINING ATTORNEY: Swinehart)

U.S. Patent & Trademark Office
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APPELLANT'S REPLY

This is in response to the Examiner's Answer dated January 9, 2006. This Reply is specifically directed to two statements made by the Examiner in the **Response to Argument** found in the **EXAMINER'S ANSWER**, pages 4-7. Appellant does not address the other statements made by the Examiner therein because it is believed that Appellant's position respecting those statements is already sufficiently addressed in **APPELLANT'S BRIEF**.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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Frank J. Catalano

1. The Examiner responds:

Appellant argues that the rails of Kilgore do not support the watercraft, as they never come into contact with the hull.

In response, the rails of Kilgore do not contact the hull, just as in the present invention, as the hull is supported by the wheels, and the argument that the rails of Kilgore do not support the hull is not really understood. Such rails support the rollers which support the hull just as in the present invention, therefore the rails of Kilgore support the hull.

(Examiner's Answer, pp.4-5)

Appellant's wheels 65 protrude 75 above the crest 29 or 30 not more than 5/16" so as to allow the hull to rest on the dock 10 when the hull comes to a stop (p.7, ln. 25-p.8, ln.2). All of the claims, in their preamble, address the invention as pertinent to a floating "dock" with "ridges . . . for supporting opposite sides of the hull thereon." The wheels are part of the claimed improvement. They are claimed to protrude above the ridges. Therefore, as a functional matter, they facilitate easy travel of the hull on the dock, as is stated in the preamble. This does not change the statement in the preamble that the ridges support the hull. This is not the same as rails supporting wheels supporting the hull as concluded by the Examiner. In Kilgore, the entire weight of the watercraft is always applied downwardly on the minimal contact surface of the wheels alone. Appellant absorbs the resting weight of the watercraft on the ridges.

2. The Examiner responds:

Appellant argues that the claimed protrusion amount of 5/16" is not obvious design consideration, as it is a critical dimension permitting the hull to both roll on the wheels as well as rest upon the ridges.

The examiner does not agree. The specification does not support this argument by appellant. The specification only sets forth criticality for a dimension of 3/16", as performing the argued function of dual support. No such criticality had been set forth for

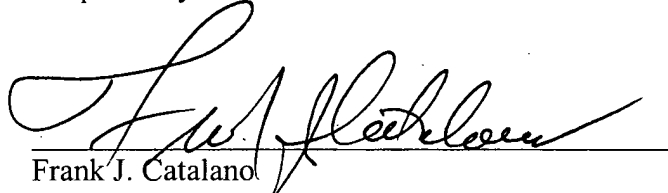
the claimed 5/16" dimension, and therefore it falls into the realm of obvious design consideration.

(Examiner's Answer pp.6).

Appellant's specification does support appellant's argument. The wheel protrusion is defined as 3/16" to 5/16" so as to allow the hull to rest on the ridges of the floating dock. 3/16" is said to be preferred because it works with most personal watercraft (p.7, ln.28-30). This does not mean that the teaching does not apply to protrusions up to as much as 5/16", as taught (p.12, ln.10-18) and claimed (only claim 13 applies the 5/16" maximum, but all the claims address the principle).

Wherefore, Appellant continues in respectfully requesting that the Examiner's rejection of claims 1-6 and 12-14 be reversed.

Respectfully submitted



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